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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 RIC LOGG, et al.,

12 Plaintiffs,

13 v.

14 TIG INSURANCE COMPANY, et al.,

15 Defendants.

CASE NO. 3:21-cv-05280-DGE-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION


16 This matter comes before the Court on Defendant TIG Insurance Company's ("TIG")  
17 (successor to American Safety Indemnity Company ("ASIC")) motion to dismiss Plaintiffs'  
18 complaint pursuant to Federal Rule of Civil Procedure 12(c). (Dkt. No. 39.) Plaintiffs  
19 responded to TIG's motion (Dkt. No. 50) and the Honorable Theresa L. Fricke, United States  
20 Magistrate Judge, held oral argument on the motion on April 19, 2022. (Dkt. No. 55.)

21 On April 28, 2022, Judge Fricke issued a Report and Recommendation ("R&R")  
22 recommending that the Court deny TIG's motion to dismiss. (Dkt. No. 57.) TIG objected to the  
23 R&R (Dkt. No. 59) and Plaintiffs responded. (Dkt. No. 61.)  
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1 The Court, having reviewed the R&R of Judge Theresa L. Fricke, United States  
2 Magistrate Judge, objections to the R&R, and the remaining record, does hereby find and  
3 ORDER:

- 4 (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 57); and  
5 (2) Defendant TIG Insurance Company's motion to dismiss (Dkt. No. 39) is  
6 DENIED.

7 Dated this 28<sup>th</sup> day of July, 2022.

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10 David G. Estudillo  
11 United States District Judge  
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